IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.1775 of 2010
Date of Decision:-22.04.2016

Labh Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Bhag Singh, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

None for the complainant.

HARI PAL VERMA J.(Oral)

Petitioner Labh Singh has filed the instant revision petition challenging the judgment dated 1.6.2010 passed by learned Additional Sessions Judge, Kurukshetra, whereby the judgment of conviction dated 12.5.2009 passed by learned Sub Divisional Judicial Magistrate, Pehowa was maintained and appeal was dismissed.

Learned counsel for the petitioner contends that FIR

VIJAY ASIJA
2016.05.02 17:11
I attest to the accuracy and
integrity of this document

No.137 dated 8.11.2015, under Sections 452, 354 and 506 IPC was registered against the petitioner. Thereafter, learned Magistrate vide judgment dated 12.5.2009 convicted the petitioner and vide order dated 13.5.2009 sentenced him as under :-

Under Section	Sentence
452 IPC	Rigorous imprisonment for one year plus fine of Rs.500/-. In default of payment of fine, the convict would undergo simple imprisonment for a period of 15 days.
354 IPC	Rigorous imprisonment for six months.
506 IPC	Rigorous imprisonment for six months

All the sentences were ordered to run concurrently and fine had been paid.

As per case of the prosecution, on 8.11.2015, ASI Teg Singh along with other police officials was present at bus stand Ismailabad, where complainant Karamjit Devi approached them and made a statement to the effect that she is resident of village Jakhwala, District Kurukshetra and a household lady. Her husband Sultan singh went to her house at Village Helva for some domestic work. On 7.11.2005 she was alone sleeping on the bed of her Chobara and waiting for her husband. Thereafter, at about 9.00 p.m. petitioner-accused Labh Singh came to her room through stairs and sat on her bed. He caught hold of her hand and fell down on her. He started pressing her breast by hand and bite her mouth. When she cried for help then Santro Devi and Jagu Ram came there. On seeing them the petitioner-accused fled

VIJAY ASIJA
2016.05.02 17:11
I attest to the accuracy and
integrity of this document

away from the spot by pushing her. While going, the petitioner-accused threatened to kill her, if, she disclosed the incident to anybody. On the next day, when her husband came back, she narrated whole of the story to him. Accordingly, after recording the statement, the FIR was registered and accused was arrested. After completion of necessary investigation, challan was presented against the accused. Copies of the challan and other documents were supplied to the accused as required under Section 207 Cr.P.C. free of costs.

Finding a prima facie case against the petitioner-accused, charges under Sections 354, 452 and 506 IPC were framed against him, to which he pleaded not guilty and claimed trial.

The prosecution to prove its case, examined three witnesses. Thereafter statement of accused, as required under Section 313 Cr.P.C. was recorded, in which all incriminating circumstances appearing against him were put to him, but he denied the same and claimed his false implication in the instant case.

The trial Court after hearing learned counsel for the parties and appreciating the evidence on record, convicted the petitioner for offence under Sections 452, 354 and 506 IPC and sentenced him vide judgment of conviction dated 12.5.2009 and order of sentence dated 13.5.2009, respectively, as mentioned

VIJAY ASIJA
2016.05.02 17:11
I attest to the accuracy and
integrity of this document

above.

Against the judgment of conviction dated 12.5.2009 and order of sentence dated 13.5.2009 passed by learned Sub Divisional Judicial Magistrate, Pehowa, the petitioner had filed an appeal before the learned Additional Sessions Judge, Kurukshetra, who vide judgment dated 1.6.2010 dismissed the appeal filed by the petitioner and upheld the conviction.

Learned counsel for the petitioner instead of arguing the matter on merits, has confined his arguments on the point of quantum of sentence only. He submits that as against the awarded sentence of one year, the petitioner remained in custody for about 6 months and considering the fact that the petitioner is facing the agony of a protracted trial since the year 2005, his sentence be reduced.

Learned State counsel has filed the custody certificate of the petitioner, which shows that the petitioner remained in custody for 6 months and 12 days. However, he opposed the prayer made by learned counsel for the petitioner and submits that as the allegations against the petitioner are serious in nature and against the society.

I have heard learned counsel for the parties and gone through the record of the case.

As regard the prayer made by learned counsel for the petitioner that the sentence be reduced, I found substance in his

VIJAY ASIJA
2016.05.02 17:11
I attest to the accuracy and
integrity of this document

submission. The FIR was registered in the year 2005. The petitioner remained in custody for more than 6 months and has been suffering the agony of trial since the year 2005. There is no other case against him of such like nature. In these circumstances, this Court feels that ends of justice will be met if the substantive sentence of the petitioner is reduced to the period already undergone by him.

Accordingly, while upholding the conviction of the petitioner, the sentence awarded to him is reduced to the period already undergone by him.

With the above modification in the substantive sentence of the petitioner, the revision petition stands dismissed.

April 22, 2016 **(HARI PAL VERMA)**
Vijay Asija **JUDGE**

VIJAY ASIJA
2016.05.02 17:11
I attest to the accuracy and
integrity of this document